ARISTOTLE AND HUMAN RIGHTS[1]

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1. *Oikos* and *Ekklesia*: Domination and Equality

What does Aristotle's ethical and political thought have to do with human rights? Apparently, nothing. In the *Politics*, Aristotle defines two clearly distinct areas of the *polis*: the *oikos* and the *ekklesía*. In the realm of the *oikos*, the *oikonomikón*, i.e. the head of the family, exercises domination (*arché) over the* members of the family: despotic domination (*despostiké) over* slaves, patriarchal domination (*patriké*) over male children up to the age of majority and spousal domination (*gunaiké*) over wives and daughters. The three types of domination are different, but they presuppose a natural asymmetry.[3] In order to justify domination over slaves by law (*douloi nomikoi*), Aristotle developed the theory of the naturalness of slavery (*phusei duleia)*[4] . According to some interpreters, this theory is not in line with his anthropology, but it is nonetheless a well-argued ideological justification of the legal slavery that existed in his time and on which the entire economic-political system of ancient society was based. [5]

In the foundation of this theory, Aristotle affirms an almost universal principle that governs the human world: Commanding and being commanded (*árchein kai árchesthai*) are among the conditions that are not only necessary, but also convenient; and certain beings, from birth (*ek genetés)*, are differentiated (*diésteke)*, to be commanded, or to command.[6]

This principle can be seen as the prototype of all the anti-egalitarian doctrines that have followed one another in history and which have justified the fact that the world has always been divided into rulers and ruled, and that this will also be the case in the future.

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[1] Modified version, originally published in: DUERMAIER, A. T. (et alii). *Philosophical Trails. A guide for students.* João Pessoa: Editora UFPB, 2022, p.169-193.

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[3] ARISTOTLES, *Politics*, I, 12 1259a 38.

[4] IDEM, *Politics*, I, 3-7 and passim; III, 6, 1278b 32-8; *Nicomachean Ethics*, VIII, 12, 1160b 28-32; VIII, 13, 1161a 30- 1161b 10; *Eudemic Ethics*, 1241b 18-24; 1242a 28-32. See: GARNSEY, P. *Ideas of Slavery from Aristotle to Augustine*, Cambridge 1996, pp. 11-16; TOSI, G. *Aristotle and Natural Slavery*, Boletim do CPA (15-2003), pp. 71-100.

[5] See: BERTI, E., *Il pensiero politico di Aristotele*, Rome-Bari 1997; FINLEY, M. I., *Schiavitù antica e ideologie moderne*, Bari-Rome: Laterza 1981 (1980). p. 120.

[6] ARISTOTLE, *Politics*, I, 5, 1254a 21-24.

If by human rights we mean a doctrine that states that "by nature all men are born free and equal in dignity and rights"[7] , nothing could be further from this thought than the Aristotelian doctrine, according to which inequality is an intrinsic and natural characteristic.

At the same time, however, a reading of the *Nicomachean Ethics* and *Politics* shows us that most of the key concepts we use today originated in Ancient Greece and were systematized by Aristotle himself. This includes the concept of "free and equal citizens" (*polites eleutheroi kai isoi*), as well as the classic definitions of forms of government: monarchy - rule by one, when the king rules in favour of the people and tyranny, or when he rules for his own benefit, aristocracy, - rule by a few, when those few are the best -, *oligarchy* - *when* it is the rich who rule for their own benefit; *polity* - rule by the many , when the majority rule following "constitutional" rules - and *democracy* - when the majority rule against the minority[8] .

In fact, while in the "domestic" sphere asymmetry is total, in the political sphere equality is broad and almost unrestricted. The Greek *polis*, especially the Athenian *polis*, in democratic periods recognized the existence of a sphere of citizens who alternately governed and were governed (*archein kai archesthai)*, in a system of direct democracy rarely achieved in history[9] . It is true and notorious that this sphere of citizenship was restricted to a minority of citizens: men and not women, free people and not slaves, adults and not minors, those belonging to the city's traditional families and not foreigners; and that, at best, in the heyday of democracy in Athens, it was no more than 20% to 25% of the population[10] .

If we compare the Athens of Pericles with, for example, the France of the Restoration at the beginning of the 19th century, we can see that the "active" citizens who could vote and be voted for were men, adults, free, born in France and that, within this

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[7] Universal Declaration of Human Rights, UN, 10 December 1948.
Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
Article 2 (I) Everyone is entitled to the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[8] ARISTOTLES, *Politics***,** III, 5, 1279b 5-10. Translation by Mario da Gama Kury. Brasília: Editora Universidade de Brasília, 1985 (the translation will be taken from this work with possible alterations).

[9] IDEM, *Politics*, I, 7, 1255b 16-22. ARISTOTLES. *Constitution of Athens*. Translation and notes by Edson Bini. São Paulo: EDIPRO, 2012.

[10] FINLEY, Moses I. *Democracy ancient and modern*. Rio de Janeiro: Graal, 1988.

universe, the vote was census, i.e. only a small portion of the population had citizenship rights, perhaps less than 5%[11] .

2. Modern equality and ancient inequality: progress or hypocrisy?

However, as we moderns say, the principle of equality was launched and would bear fruit in the following centuries, with the struggles of the excluded classes for the extension of civil and political rights, the so-called rights of liberty, or first-generation rights. However, this didn't stop the formal equality of citizens from continuing to create glaring de facto inequalities, and a centuries-long struggle was needed to affirm, always precariously and partially, economic and social rights, the so-called rights of equality, or second-generation rights[12] .

This struggle is still far from being victorious, if we think about the immense inequalities between rich and poor within states and between states at a global level; inequalities far greater than those that existed in the ancient world, if we think about the immense concentration of wealth in the hands of a few people, groups and companies, and the equally immense economic and technological possibilities that humanity has at its fingertips today to overcome these inequalities, which were unimaginable in ancient societies.

This suggests an impertinent question: where the ancients more realistic than us in admitting the "natural inequality" between men, or are we moderns more hypocritical in denying this natural inequality, while at the same time admitting it in practice on a large scale?

To this question we can answer that, despite this discrepancy between theory and reality, there has been, to use Kant's words, a "moral progress of humanity" compared to the ancients, because the proclamation of the universality of equality and freedom has allowed a dynamic or social dialectic to conform reality to the egalitarian ideal, while ancient and medieval societies remained static and conservative for centuries[13] .

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[11] LOSURDO, D. *Counter-History of Liberalism*. Translated by Giovanni Semeraro. Giovanni Semeraro. Aparecida, SP: Idéias & Letras, 2006.

[12] COMPARATO, Fábio Konder, *A afirmação histórica dos direitos humanos,* São Paulo: Saraiva 1999. TRINDADE, José Damião de Lima, *História social dos direitos humanos,* São Paulo: Peirópolis, 2003. TOSI, G. (org.) *Direitos Humanos: história, teoria e prática.* João Pessoa: Editora UFPB, 2005.

[13] BOBBIO, Norberto. *The age of rights.* Rio de Janeiro: Elsevier, 2004.

Furthermore, we shouldn't confuse "words" with "concepts": the words can be the same - freedom, equality, fraternity, democracy, justice, law, even the term human rights (*anthropina díkaia)*[14] can be found in the Greek philosopher's work, but their meaning is different. In fact, concepts cannot be isolated from their historical context and their relationship with the constellation of concepts to which they are related. For example, what we moderns, starting with Hobbes, call democracy is something quite different from the concept that the Greeks indicated with the same word. Modernity presupposes the principle of the equality of all citizens in the state of nature, who, through the social pact, build the civil state (*pactum unionis*) and subsequently constitute the sovereign (*pactum subiectionis),* who assumes the monopoly of legitimate political power[15] .

In this conceptual context, the problem is exactly the opposite of that of ancient political thought: for the ancients "some are destined by nature to govern and others to be governed", the relations of power or government are justified by themselves, they don't need an elaborate political theory. If, on the other hand, it is assumed, as moderns do, that by nature everyone is equal and free, the problem arises of who has the legitimacy to rule over others[16] .

Another essential difference excludes the possibility of talking about "human rights" in ancient political theory and practice, a difference that refers precisely to the historical context in which the concepts are inserted: it is the difference between "right" and "rights", as the French philosopher of law Michel Villey has insistently shown[17] .

Law (*díkaion* in Greek, *jus* in Latin) has existed at least since humanity began to have states, that is, since the first civilizations were formed; but human rights are typically modern and Western, that is, they were born in a particular historical period and in a particular civilization from the 16th/17th century onwards.

Returning then to our initial question, we can answer that between Aristotelian political thought and that of Antiquity in general, there is nothing in common with modern

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[14] ARISTOTLES, *Nicomachean Ethics,* V, 1135 a 4.

[15] See: BOBBIO, Norberto. *The Theory of Forms of Government.* Brasília: UnB, 1992. TOSI, G. - GUIMARÃES, R. *Democracy & Elitism of the ancients and the moderns*. Curitiba: CRV, 2020, p. 79-102.

[16] See: DUSO, G. *Power. History of Modern Political Philosophy.* Petrópolis: VOZES, 2005.

[17] VILLEY, M. *O Direito e os Direitos Humanos.* São Paulo: Martins Fontes, 2016.See: TOSI, G. *The debate on the genesis and validity of subjective natural rights: Michel Villey and Brian Tierney*. Portuguese Journal of Philosophy, 2019, 75, 2, p. 1067-1102.

subjective rights, despite the widespread opinion among activists that human rights have always existed, since time immemorial, although their realization is recent[18] .

For contemporary defenders of human rights, it is rhetorically useful to find ancestors, predecessors and a genealogy of human rights as far back in history as possible. In it, Antigone is the "heroine of natural law", who disobeys the laws of the city in order to obey the "unwritten laws" (*ágraphta nómina)*[19] , the Sophists are the "enlighteners" of antiquity, Protagoras the founder of individualism, etc.

But these affinities are more in the field of rhetoric than philosophical historiography. There is, however, a more fruitful path in the relationship between Aristotle's ethical-political thought and human rights than this reading of the ancient authors *sub specie modernitatis*: and this is the path we propose to tread, albeit in an incipient way, pointing out some avenues for reflection.

3. Aristotelian Anthropology

In one of the seminal texts of Western political philosophy, in the very famous pages of *Book* I, Chapter 1 of *Politics*¸ Aristotle states:

> These considerations make it clear that the city is a natural creation (*phúsei and polis estí)*, and that man is, by nature, a political animal (*ó ánthropos phúsei politikón zôon)*, and a man who, by nature and not by mere accident, was not part of any city (*ó ápolis diá phúsin)*, would be a despicable being or above humans: he is what Homer contemptuously calls "without kin, without laws, without domicile/household, and who is therefore desirous of war, since he has no ties and could be compared to an isolated piece in the game of backgammon.
> [...]
> Now, it's clear that man, much more than the bee or any other gregarious animal, is a political animal. As we often say, nature does nothing without a purpose, and man is the only one of the animals to possess the gift of speech (*logos*). In fact, the simple voice (*phoné)* can indicate pain and pleasure, and other animals possess it, and their nature can even communicate the sensation of pleasure and pain to others. But speech (*logos) has the* purpose of indicating what is convenient/useful and what is harmful/damaging, and therefore also what is just and unjust (*to díkaion kai to ádikon)*.
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> The specific characteristic of man in comparison to other animals is that only he has the perception of good and evil (*agathos kai kakós)*, just and unjust and other moral

[18] See: TOSI, G. *When did human rights emerge? Are they ancient or modern?* In IDEM. Human Rights and Democracy. História, Teoria e Crítica, Vol. 3, Cachoerinha, Editora FI, 2023, p. 21-37.

[19] "But Zeus was not their herald to me/ nor are these laws the ones dictated among men/ by Justice, dwelling companion/ of the infernal gods; and I did not think/ that your determinations had the force/ to impose on mortals even the obligation/ of transgressing divine, unwritten rules (*ágraphta nómina)/* inevitable; it is not of today, it is not of yesterday, / it is since the most remote times that they have been in force/ without anyone being able to say when they arose." SÓFOCLES, *Antigone*, vv. 450-457. trad. Mário da Gama Kury. Rio de Janeiro: Zahar Ed., 1989. See also ARISTOTLES, *Rhetoric*, I, 13, 1373 b 1.

> qualities, and the community (*koinonia) of* beings who share this perception constitutes the family (*oikia)* and the city (*polis)*.
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> In the natural order, the city takes precedence over the family and over each one of us, because the whole must necessarily take precedence over the parts (*tou olou próteron anankaion einai tou mérous*). Indeed, when the whole body is destroyed, feet and hands no longer exist. [...]
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> It is clear, therefore, that the city takes precedence over the individual by nature. In fact, if each individual is not self-sufficient (*autarkeios)*, in relation to the city he is like a part in relation to the whole; and a man who is incapable of integrating himself into a community, or who is self-sufficient to the point of not needing to do so, is not part of a city, because he is a wild animal (*theríon*) or a god (*theós*).
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> There is a natural impulse in all men to participate in such a community, and the man who first united individuals in this way was the greatest of benefactors. In fact, when man is perfect, he is the best of animals, but he is also the worst when he is far from the law (*nomos)* and justice (*dike)*, because injustice is most pernicious when it is armed [20]

From the Aristotelian text we can derive **three anthropological conceptions**: man is a naturally political being, a being of reason and language, and an ethical being.

3.1. Man is a political being by nature

For Aristotle, contrary to modern philosophers, men are not born as free individuals in a hypothetical state of nature prior to the creation of the civil state, in which they already have intrinsic natural rights, such as the right to life, property, freedom, security and equality in the face of necessity and death. Contrary to this "founding myth" of modern political philosophy, for Aristotle, in this state of nature there can be no humanity, but only *a-polides by* nature can live, beings as inferior as brutes, or as superior as gods. Full humanity can only exist in a political community (*koinonia politiké)* in which men share the perception of good and evil, just and unjust, and this community takes precedence over each of us, just as the whole takes precedence over each of its parts. The city is self-sufficient (*autarchic)*, but the individual is not self-sufficient and cannot live without the community; we could say, paraphrasing St Augustine, *extra civitatem nulla humanitas* .

Affirming that man is a political living being by nature (*zoon politikón physein*) means affirming that man is born as a needy being who needs everything and that without society, he doesn't become man. It is in this radical sense that human politicality must be

[20] ARISTOTLE. *Politics*, 1253a, 1- 35.

understood: not a simple sociability, common to other gregarious animals, but a specific politicality; man is not self-sufficient, he is not enough for himself, he cannot subsist as such without society. The more society is good, i.e. allows for good living (*Zen self)*, the more man will become human; on the other hand, if the political community in which man lives is bad, man will not be able to develop either. From the very beginning of his existence, man's destiny is inextricably linked to the destiny of the society in which he is born and lives. And this is defined immediately and irreversibly through the acquisition of language, which is not simply an instrument we use to think and communicate, but something through which we are "thought", through which the political community, with all its history and categories, "thinks" us. Man, thus acquires a **second nature from which he will** never be able to extricate himself. The moment when individuality appears is later and may or may not be according to the type of society: there are "closed" societies in which individuality is compressed by the collectivity, and others that are more "open" and favourable to the emergence of individuality.

Aristotle is right when he says: "It is clear that the city takes precedence by nature over the individual", because the individual would not exist without society. We don't need to adopt all the holistic, organicist and hierarchical presuppositions that this conception assumes in Aristotelian thought, nor do we need to oppose an "organicist" Aristotelian model to an "individualist" Hobbesian model[21] . What interests us at the moment is to reaffirm that this intrinsic politicality of man is a difficult starting point that has countless consequences for our discourse on human rights.

3.2 Eric Weil: Man is a reasonable being.

In the first pages of *Lógique de la philosophie*, entitled "man as reason", **Eric Weil** states that the Aristotelian definition of man as *ánthropos logon echon* is a "philosophical" definition and not a "scientific" one. It is not a definition of man as he is based on gender and specific difference (vertebrate animal, biped), but as he should be. This is why the Latin translation *animale rationale* can mislead us: in fact, human behaviour is often anything but rational. Weil then proposes translating the expression *ánthropos logon echon* not as "being rational", but as "being reasonable":

[21] BOBBIO, N. - BOVERO, M., *Society and State in modern political philosophy*. São Paulo: Brasiliense, 1986 (1979).

> Man is an animal endowed with reason and language: this means, therefore, affirming something that seems surprising - namely, that men do not ordinarily have reasonable reason and language, but that they *must* have them to be *fully* men. Natural man is an animal; man, as he wants to be, as he wants the other to be so that he himself recognizes him as his equal, *must be* reasonable. What science describes is nothing more than matter on which a form must be imposed, and the *human* definition is not given so that man can be recognized, but so that he can be realized[22] .

To understand this position, we need to specify the Aristotelian concept of nature defined just before the passage quoted: "the nature of a thing is its end (*telos)* or final stage, because we call the nature of each thing, what each thing is when its growth is complete, whether we speak of a man, a horse or a family"[23] .

Nature is therefore not the "initial" condition of a thing, but its final stage, the *fulfilment of* all the potentialities present in it. The difference between a horse and a man is that a horse is necessarily determined to fulfil these potentialities, while a man has no such absolute determination. Man does not "become" man, but "becomes" man; he is a project that can succeed or fail. It is this original distinction that allows us to have an ethical criterion.

Defining man by what he should be means defining him by what he is not. This is the trait that Hegel calls the *negativity of man*: man is not an animal like the others because, in addition to the need's common to other animals, "he also has desires, that is, needs that he himself has formed, that are not of his *nature*, but that he has given himself"[24] .

3.3 Man is an ethical being.

The third characteristic of the human being for Aristotle is linked to the other two through language, insofar as language is the supreme manifestation of human politicality. Man thinks through language, assimilates through language the customs, traditions and ways of thinking of the community of which he is a part. What differentiates man from the animal, for Aristotle, is not only the possibility of elaborating a more complex thought, but "of indicating what is convenient and what is harmful, and therefore also what is just and what is unjust". Man is simultaneously, by nature, a political, reasonable and ethical being.

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[22] WEIL, E., *Logique de la philosophie*. Paris: Vrin 1989, p. 05 (author's translation).
[23] ARISTOTLES. *Politics*, I 2, 1252 b 31 -1253 a 1.
[24] PERINE, M. *Filosofia e Violência. Meaning and intention of Eric Weil's philosophy*, São Paulo: Loyola, 1987, p. 126.

So, what is philosophy and who is a philosopher? Philosophy is essentially *praxis, it* is man's incessant work on himself (and on society) to reduce his unreasonable part more and more, so that he becomes entirely reasonable, so that he becomes more and more a rational being, through the negation of his negativity. The philosopher's language works this liberation of human discontent towards the full rationalization of man: "Contentment (happiness) and discontent (unhappiness), reason and animality, being (presence) and non-being (becoming), freedom and given - all philosophy revolves around these poles. The origin of philosophy is therefore "in the desire and primitive negativity" present in human nature itself[25] .

For Weil, philosophy is therefore man's constant endeavour to become, through *logos,* from a merely reasonable being, a fully rational being. Philosophy is eminently an ethics and a politics, that is, an action that aims, through *theory* and *praxis, to* transform man into a good man and a good citizen. Aristotle states:

> when man is perfect (*theleios),* he is the best of the animals, but he is also the worst when he is far from the law (*nomos)* and justice (*dike),* because injustice is more pernicious when armed and man is born endowed with weapons to be used well by intelligence and talent, but which can be used in a totally opposite way. Therefore, when deprived of moral qualities, man is the most merciless and savage of animals[26] .

Man becomes violent when he deviates from the law and justice, which for Aristotle are the expression of right reason (*orthós logos)*. *Logos* therefore has an intrinsically moral and ethical character; *logos* as reason, talent, skill, cunning, is ambiguous: man can use these talents for good or evil.

3. 4 Justice is politics: philosophy and violence.

Man, being political by nature, being reasonable and ethical, but also being violent, needs a just society to fully realize himself as a man. The ethical-political dimension of philosophy is inherent to philosophy itself and it is no coincidence that all the great philosophers were also political philosophers.

The political virtue par excellence is justice and Aristotle tells us that justice is political. In Book V of the *Nicomachean Ethics,* he states that justice is essentially a virtue for the other (*pros heterón, ad alterum*), that is, a virtue that is exercised in relations

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[25] WEIL, E. *Political Philosophy*. Translated by M. Perine, São Paulo: Loyola, 1990, p. 50.
[26] ARISTOTLES, *Politics,* I, 1.

between free and equal citizens (*eleuteroi kai isoi*)[27] . He also states that justice is the rule or ordering principle (*taxis)* of the political community, because it is governed by the principle of *unicuique suum tribuere,* of giving to each what is their due. He also states that justice is the determination or criterion (*crisis) of* what is just, in other words, the affirmation of the objective character of justice, which does not concern the will of individuals (modern subjective rights), but conformity with a just objective order.

Aristotle also admits, in a passage as famous as it is obscure, that what is just by nature, natural law, can change, but that, despite this, there will always be a difference between what is just by nature and what is just by law[28] . We can interpret this difficult passage by saying that conceptions of justice can change depending on historical contexts, but the idea of justice, from Aristotle to Rawls, remains an ineliminable criterion for social coexistence[29] . In Weil's language, this means affirming the existence of a "natural right" which he defines in this way:

> Natural law is that to which the philosopher submits, even without being obliged to do so by positive law: he wants to act to contribute to the realization of the reasonable universal, of universal reason. He will treat all those with whom he has dealings as reasonable beings and therefore equal. [...] In other words, the moral man discovers that moral law must inform positive law: the liberation of man, of every man, must be realized in the world if moral and reasonable life is not to be a mere dream. The philosopher will be equal to all when all are his equals in reason[30] .

Weil says that there must be a system of laws, of empirical maxims provided by history, but which respond to non-historical conditions. The abstract and general condition of natural law will be the following: there must be a system of positive law in every community that is: a) neither contradictory in itself; b) nor in contradiction with the moral principle, the principle of the equality of reasonable and free beings. Natural law is not opposed here to historical law, as something whose content is not subject to change, but to positive law: the philosopher's natural law is the basis of all criticism of positive law.

Weil states that for natural law: "Every violent act is unjust and cannot be recognized by any system of positive law, because the violent act is the act of the natural

[27] ARISTOTLES, *Nicomachean Ethics,* V,1 - 1129b 26-27.
[28] IDEM, V,6 - 1133b 24-30.
[29] See: TOSI, G. Aristotele e il diritto naturale. Rivista *Fundamental Rights,* N. 2/2024 - Paper 1.
[30] WEIL, E. *Political Philosophy,* p. 43.

individual, according to his passions, his non-universal desires, his psychological motives only."[31] .

This is a rationalist jusnaturalism based on an ethic that is both formal and material, which seeks to synthesize the two great ethical traditions of the West, the Aristotelian and the Kantian. For the Kantian ethics of duty for duty's sake, the categorical imperative is imposed by the form of its maxim ("act in such a way that the maxim that governs your action can become a universal rule"), without any agreement on the "material" content of the action. Aristotelian virtue ethics, on the other hand, presupposes a definition of what is good, happiness and the good life for free citizens.

Weil's ethics is formal because it is not identified with a set of eternal and immutable norms, but with the internal coherence of rational discourse and coherence with the fundamental principles of the "equality of reasonable and free beings". But it is also material because it presupposes a conception of man, the good and happiness that is determined by the original choice between philosophy and violence. The reasonable man who chooses to be a fully rational being is the good man, the good life is the life that seeks to fulfil this task: happiness and contentment consist in realizing it in the life of each person and the community in which each person lives. In the end, Kantian ethics too, despite its formalism, presupposes the concept of human dignity and can be read as a rationalization or secularization of the Christian conception of man created in the image and likeness of God.

4. Aristotle and human rights: the "good life".

Translating these issues into the language of human rights, we can affirm some theses.

Man is, by nature, a social being and outside of society there can be no humanity, insofar as man doesn't "become" man, but "is made" man in a long and constant educational process (*paideia)*. Therefore, the "founding myth" of modern jusnaturalism, i.e. the existence of free and equal individuals in a state of nature, does not fit into the Aristotelian theory of the polis. This fundamental Aristotelian doctrine, taken out of its "organicist and holistic" context, is Aristotle's fundamental and, I would dare say, "imperishable" contribution to political thought. This implies, in the modern language of human rights, that economic, social and cultural rights - called second generation rights

[31] IDEM, p. 46.

because they historically come after the civil and political rights of the liberal tradition, or first generation - constitute "ontologically" the premises and necessary conditions for the very enjoyment of civil and political rights. Without these rights, man does not have the necessary conditions for his full human development (*fulfilment).*

Aristotle also tells us that there is a "human nature", but this cannot be understood as the condition of man in a hypothetical state of nature, that is, as something "naturally" given, but as an end (*telos) to* be achieved: the natural thing for man is the full development of all his capacities, which are "*in potentia*" as *dnamis* present in his nature, but which, *in* order to become an *energeia* (*in actu*), need a whole series of conditions that must be guaranteed by society and, we would say, today by the state.

"Neo-Aristotelian" authors such as Amartya Sen, Martha Nussbaum and John Finnis[32] say that it is necessary to share a certain vision of the good life and happiness that should guide this distribution of goods. They define equality above all as the exercise of certain capabilities *(capability approach)*, which can be summarized in three broad spheres that guarantee the quality of life:

a) a good **physiological** life: material goods such as life expectancy, health conditions, housing, nutrition;
b) A good **rational** or reasonable life: immaterial goods such as education, critical thinking, access to culture; and
a) a good **relational** life: the ability to live together with other people and with nature.

The foundation of this proposal presupposes a critique of the individualistic anthropology of the moderns and a return to the Aristotelian anthropology of man as a social and political being by nature, a being of reason and language and an ethical being, because he shares the values of a particular community[33] .

It was on the basis of a theory of this kind that the UN reformulated (under the influence of Nobel Prize-winning economist Amartya Sen) the calculation of the

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[32] SEN, Amartya. *On Ethics and Economics*, São Paulo: Companhia das Letras, 1999. IDEM, *Development as Freedom*. São Paulo: Companhia das Letras, 2000. Nussbaum, Martha and SEN, Amartya (Eds.), *The quality of life*. Oxford: Clarendon Press, 1993. FINNIS, John. *Natural law and natural rights*, São Leopoldo: Editora UNISINOS, 2007.

[33] DENEULIN, Séverine *Fins et moyens: une interprétation aristotélicienne du développement économique*. Université Catholique de Louvain Institut de Recherche économiques et sociales: http://www.ires.ucl.ac.be/DP/IRES_DP/2000-16.pdf.

development index, introducing the Human Development Index (HDI), which measures not only the *per capita* share of the Gross Domestic Product, but also life expectancy and the level of schooling, among other more "qualitative" indicators, which make it possible to assess how each society is capable of satisfying the fundamental capacities/potentialities of the human being: the most equitable possible distribution of material goods (life expectancy, health conditions, housing, nutrition, etc.) and immaterial goods (education, education, housing, nutrition, etc.).) and immaterial goods (education, critical thinking, coexistence with other people and nature, etc.) that are indispensable for the full development *(flourishment) of* the human potential required for a "good life".

In this sense, equality should not be a mere equality of opportunity whose ultimate goal is to enable everyone to compete better in the capitalist market, and to become ever more competent and competitive producers and consumers.

As Aristotle already said in *Politics*, criticizing the mercantilist and commercial expansion that was taking over the Greek *polis*, wealth is a necessary means to the good and happy life, but not an end in itself, and the accumulation of wealth for wealth's sake (which he called *techné krematistiké*) is not worthy of the free man and does not lead to the good life. By placing the emphasis no longer on opportunities, but on capabilities, these theories emphasize the minimum conditions for people to be considered not simply as consumers, but as free and equal citizens.

These theories are intended to be a middle way between universalism and relativism: they claim to be universal in scope because they are based on the assumption that human nature is common to all people, but at the same time they claim that each society, people and culture can choose which material and immaterial goods are the minimum or indispensable for that specific type of society, based on its history, problems, characteristics, religion and culture, without necessarily following the Western consumerist model.

Finally, Aristotle, like all ancient thought, alerts us to the need for a set of shared ethical and political values, from which citizens must be "educated" to become "good men" and "good citizens". Today, education in human rights and citizenship constitute this set of values that guide, or should guide, a public ethic that is internal to states and tends to be universal, insofar as we are moving, as in antiquity, from the era of nation states to the cosmopolitan era of globalization.

Conclusion

In these observations, which are only hinted at here, but which deserve much more in-depth study, we can find the most permanent contribution of Aristotle's thought to human rights today.

We need to avoid two excesses: a condemnation of modern human rights in the name of virtue ethics, as McIntyre does, for example[34] , and an absolutization of the liberal individualist ethics of rights. It is impossible to go back to the ancient and medieval ethics of virtue or to the objective conception of law that predominated in it, because these ethics were inserted in a context in which social inequalities ended up being justified and naturalized. It is repugnant to the "spirit of our time" to accept the natural inequality of men, just as it is repugnant to renounce the principle of subjectivity as the foundation of freedom.

At the same time, there are already more than obvious signs that a mere ethics of rights based on individualistic foundations is leading humanity down a blind alley. The ecological issue clearly shows us that, despite all the technical-scientific development, there are **natural limits** to the development of "human rights and desires"; bioethical issues show us that there are **ethical limits** to the development of technology (not everything we know how to do we can do); the planetary increase in enormous social inequalities in an age that would have the material means to overcome them at its fingertips shows us that there are **social limits** to the unbridled accumulation and consumption of wealth that excludes a large part of humanity.

The transition from a mere ethics of rights, based on the individualism and consumerism typical of the liberal conception, to an ethics of responsibility, based on a social and solidarity-based conception of the human being, is something that is ever more urgent today. In this sense, the ethical-political thought of Aristotle and, in a broader sense, the ancient tradition may still have something to say to us.

REFERENCES

ARISTÓTELES, *Politics.* Translated by Mario da Gama Kury. Brasília: Editora Universidade de Brasília, 1985.

ARISTOTELES. *Constitution of Athens*. Translation and notes by Edson Bini. São Paulo: EDIPRO, 2012.

[34] McINTYRE, Alasdair. *After Virtue: a Study in Moral Theology*. Notre Dame: University of Notre Dame Press, 1984.

BERTI, E., *Il pensiero politico di Aristotele.* Rome-Bari 1997; FINLEY, M. I., *Schiavitù antica e ideologie moderne*, Bari-Rome: Laterza 1981 (1980).

BOBBIO, N. - BOVERO, M. *Sociedade e Estado na filosofia política moderna*. São Paulo: Brasiliense, 1986 (1979).

BOBBIO, Norberto. *The age of rights.* Rio de Janeiro: Elsevier, 2004.

BOBBIO, Norberto. *The Theory of Forms of Government.* Brasília: UnB, 1992.

COMPARATO, Fábio Konder. *The historical affirmation of human rights*. São Paulo: Saraiva 1999.

DENEULIN, Séverine *Fins et moyens: une interprétation aristotélicienne du développement économique*. Université Catholique de Louvain Institut de Recherche économiques et sociales: http://www.ires.ucl.ac.be/DP/IRES_DP/2000-16.pdf.

DUSO, G. *Power. History of Modern Political Philosophy.* Petrópolis: VOZES, 2005.

FINLEY, Moses I. *Democracy ancient and modern*. Rio de Janeiro: Graal, 1988.

FINNIS, John. *Natural law and natural rights.* São Leopoldo: Editora UNISINOS, 2007.

GARNSEY, P. *Ideas of Slavery from Aristotle to Augustine.* Cambridge 1996.

LOSURDO, D. *Counter-History of Liberalism*. Translated by Giovanni Semeraro. Giovanni Semeraro. Aparecida, SP: Idéias & Letras, 2006.

McINTYRE, Alasdair. *After Virtue: a Study in Moral Theology*. Notre Dame: University of Notre Dame Press, 1984.

NUSSBAUM, Martha and SEN, Amartya (Eds.), *The quality of life*. Oxford: Clarendon Press, 1993.

PERINE, M., *Philosophy and Violence. Sentido e intenção da filosofia de Eric Weil,* São Paulo: Loyola, 1987, p. 126.

SEN, A. *Development as freedom*. São Paulo: Companhia das Letras, 2000.

SEN, Amartya. *On Ethics and Economics,* São Paulo: Companhia das Letras, 1999.

SOFOCLES, *Antigone*. Translated by Mário da Gama Kury. Mário da Gama Kury. Rio de Janeiro, Zahar ed., 1989.

TOSI, G. *Aristotle and natural slavery,* Boletim do CPA (15-2003).

TOSI, G. - GUIMARÃES, R. *Democracy & Elitism of the ancients and the moderns*. Curitiba: CRV, 2020.

TOSI, G. (org.) *Human Rights: history, theory and practice.* João Pessoa: Editora UFPB, 2005.

TOSI, G. Aristotle and natural law. *Fundamental Rights* Magazine, *N. 2/2024 - Paper 1.*

TOSI, G. The debate on the genesis and validity of subjective natural rights: Michel Villey and Brian Tierney. *Portuguese Journal of Philosophy,* 2019, 75, 2, p. 1067-1102.

TOSI, G. When did human rights emerge? Are they ancient or modern? In IDEM. *Human Rights and Democracy. História, Teoria e Crítica,* Vol. 3. Cachoerinha: Editora FI, 2023, p. 21-37.

TRINDADE, José Damião de Lima. *Social history of human rights.* São Paulo: Peirópolis, 2003.

VILLEY, M. *Law and Human Rights.* São Paulo: Martins Fontes, 2016.

WEIL, E. *Political Philosophy*. Translated by M. Perine, São Paulo: Loyola, 1990.

WEIL, E. *Logique de la philosophie*. Paris: Vrin 1989.